A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 13th day of January 2022, at 7:00 P.M., and there were

PRESENT: ANTHONY CASTELLANA, MEMBER

CARLO DIRIENZO, MEMBER

JOHN MIKOLEY, MEMBER

PETER STOERR, MEMBER

KEITH SUGG, MEMBER

MARK TILLMANNS, MEMBER

JILL MONACELLI, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK

EMILY ORLANDO, DEPUTY TOWN ATTORNEY

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF: THOMAS ALEXANDER

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Thomas Alexander, 16 Bentley Circle, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a patio roof on premises owned by the petitioner at 16 Bentley Circle, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a patio roof at thirty-two [32] feet from the rear property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum rear yard of thirty-five [35] feet. The petitioner, therefore, requests a three [3] foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Thomas Alexander, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: THOMAS ALEXANDER

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. SUGG, WHO MOVED ITS ADOPTION, SECONDED BY MR. TILLMANNS TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Thomas Alexander and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of January 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

PETITION OF: GEORGE JOHNSON

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of George Johnson, 277 Ransom Road, Lancaster, New York 14086 for two [2] variances for the purpose of an addition to the existing residence on premises owned by the petitioner at 277 Ransom Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for an addition to the existing residence four [4] feet from the side yard property line.
 - Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires each side yard: the lesser of 10% of the lot width or ten [10] feet Total side yard. The petitioner, therefore, requests a six [6] foot variance.
- B. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for an addition to the existing residence with a total of both side yard setbacks at sixteen [16] feet, six [6] inches.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires each side yard: the lesser of 25% of the lot width or twenty-five [25] feet. The petitioner, therefore, requests an eight [8] foot, six [6] inch variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

George Johnson, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: GEORGE JOHNSON

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. STOERR, WHO MOVED ITS ADOPTION, SECONDED BY MR. MIKOLEY TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of George Johnson and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of January 13, 2022 and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Agricultural Residential, (AR) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	VOTED	NO
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

PETITION OF: RYAN KUZNIK & KAYLA WILLIAMS

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Ryan Kuznik and Kayla Williams, 825 Erie Street, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a pole barn on premises owned by the petitioners at 825 Erie Street, Lancaster, New York, to wit:

A. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a pole barn twenty-three [23] feet in height.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum building height for an accessory structure of sixteen [16] feet. The petitioners, therefore, request a seven [7] foot variance.

B. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a 2,720 square foot pole barn.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum accessory structure size of 1,250 square feet. The petitioners, therefore, request a 1,470 square foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Kayla Williams, Petitioner Proponent

Carmen Ciccarelli Proponent

IN THE MATTER OF THE PETITION OF: RYAN KUZNIK & KAYLA WILLIAMS

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. TILLMANNS, WHO MOVED ITS ADOPTION, SECONDED BY MR. DIRIENZO TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Ryan Kuznik & Kayla Williams and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of January 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Agricultural Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

PETITION OF: GARY & KELLY GALLAGHER

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Gary and Kelly Gallagher, 5 Butler Drive, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a garage addition on premises owned by the petitioners at 5 Butler Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a garage addition twenty point two [20.2] feet from the right-of-way.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum front yard of thirty-five [35] feet. The petitioners, therefore, request a fourteen point eight [14.8] foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Gary Gallagher, Petitioner Proponent
Thomas Alexander Proponent

IN THE MATTER OF THE PETITION OF: GARY & KELLY GALLAGHER

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. SUGG, WHO MOVED ITS ADOPTION, SECONDED BY MR. DIRIENZO TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Gary & Kelly Gallagher and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of January 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

PETITION OF: BRENT PARADOWSKI

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Brent Paradowski, 133 Avian Way, Lancaster, New York 14086 for one [1] variance for the purpose of a driveway/parking area on premises owned by the petitioner at 133 Avian Way, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a driveway/parking area in a drainage swale, zero [0] feet from the property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a residential district of five [5] feet. The petitioner, therefore, requests a five [5] foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Brent Paradowski, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: BRENT PARADOWSKI

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. MIKOLEY, WHO MOVED ITS ADOPTION, SECONDED BY MR. CASTELLANA TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Brent Paradowski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of January 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

PETITION OF: TIMOTHY BOYLE, NOCO EXPRESS PROPERTIES, LLC.

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Timothy Boyle, NOCO Express properties, LLC, 2101 St. Rita's Lane, Williamsville, New York 14221 for seven [7] variances for the purpose of constructing a car wash facility on premises owned by the petitioner at 3620 Walden Avenue and 371 Central Avenue, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a proposed lot size of .94 acres.
 - Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum lot area of one [1] acre. The petitioner, therefore, requests a .06-acre (= 2,613.6 square feet) variance.
- B. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a ten [10] foot side yard setback abutting a residential district.
 - Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for structures abutting a residential district of fifty [50] feet. The petitioner, therefore, requests a forty [40] foot variance.
- C. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a ten [10] foot side yard setback abutting a non-residential district.
 - Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for structures abutting a non-residential district of twenty-five [25] feet. The petitioner, therefore, requests a fifteen [15] foot variance.
- D. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a nine [9] foot setback from the west lot line right of way of a dedicated street.
 - Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum yard for parking, loading and stacking areas from the right of way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests an eleven [11] foot variance.
- E. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a ten [10] foot setback from the south lot line right of way of a dedicated street.
 - Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum yard for parking, loading and stacking areas from the right of way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests a ten [10] foot variance.

F. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a thirteen [13] foot, six [6] inch setback from the right of way of a dedicated street.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a residential district of twenty-five [25] feet. The petitioner, therefore, requests an eleven [11] foot, six [6] inch variance.

G. A variance from the requirements of Chapter 400, Zoning, Section 28, Subsection E(2)(a) of the Code of the Town of Lancaster. The request calls for thirty-one [31] stacking spaces.

Chapter 400, Zoning, Section 28, Subsection E(2)(a) of the Code of the Town of Lancaster requires thirty-five [35] spaces per stall of a rapid car wash. The petitioner, therefore, requests a four [4] space variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning, New York State Department of Transportation and the Village of Lancaster of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Sean Hopkins, Representing Petitioner
Hopkins Sorgi & McCarthy PLLC

Timothy Boyle, Petitioner

Anthony Pandolphe

Proponent

Harald Rehm

Questions/Comments

Matthew Russo

Questions/Concerns

Steven Socha

Opponent

IN THE MATTER OF THE PETITION OF: TIMOTHY BOYLE, NOCO EXPRESS PROPERTIES, LLC.

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. STOERR, WHO MOVED ITS ADOPTION, SECONDED BY MR. MIKOLEY TO WITH

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Timothy Boyle, NOCO Express Properties, LLC. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of January 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

NOW, THEREFORE, BE IT

RESOLVED that this hearing be adjourned to allow for further testimony and evidence to be presented.

The question of the adjournment of the foregoing hearing was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The hearing was thereupon ADJOURNED.

January 13, 2022

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:30 P.M.